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THE MENDENHALL WETLANDS CONFLICT

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by

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INTRODUCTION

This paper describes a conflict over the use of an Alaskan estuary near Juneau, known locally as the Mendenhall Flats or Wetlands.[1] The conflict had two stages: (1) in 1966-67, when the citizens of Juneau considered a land management plan for the estuary proposed by the Alaska Department of Fish and Game (ADF&G), and (2) in 1968-69, when renewed argument focused on the specific routing of a new highway across the flats.

The issues involved in the wetlands controversy have implications beyond this particular case. Alaska has nearly half of the nation's total estuarine acreage, but, unlike those of the "lower 48," Alaska's estuaries have not yet been substantially altered by man. The ADF&G and U.S. Fish and Wildlife Service (USF&WS) are chiefly interested in protecting wildlife and aesthetic qualities of these areas, which are being inventoried and studied by USF&WS for possible inclusion in a national estuarine system. Many are also being explored for oil and gas, an effort that is actively promoted by the State of Alaska, which owns the tideland portions of the estuaries. Juneau's experience with the Mendenhall Flats is an example of a conflict of interests between federal, state, and local agencies that may occur in the management of other estuaries.

[1]There is no official name for the area. Orth, D.J., *Dictionary of Alaska Place Names*, U.S. Geological Survey Professional Paper 567 (Washington: U.S. Government Printing Office, 1967).

Central to the controversy was the disagreement between four agencies with important roles in the future of Alaska's landscape. On one side, ADF&G and the USF&WS argued for perservation of estuarine habitat; on the other, the Alaska Department of Highways and the U.S. Bureau of Public Roads (BPR) argued for a highway routing they claimed to be best from an engineering and economic standpoint, but which would have crossed more habitat.

The Department of Highways has an active road-building program currently underway in Alaska. A new road is being constructed down the Copper River Valley to Cordova, and another will extend from Chitna, on the Copper River, through the Wrangell Mountains to the Alaska Highway. Perhaps the most important new road being considered is an all-year highway to the North Slope oilfields, which will permit easy access to the Brooks Range for the first time. The department's 20-year plan even envisions an eventual road connection between Juneau and the Alaska Highway. These roads will increase the management responsibilities of ADF&G and USF&WS as heretofore inaccessible wilderness (except, of course, by air) will be opened to the motoring public. Furthermore, conflicts such as the one over the Mendenhall Flats may be anticipated between highway designers and wildlife managers, since proposed routings invariably threaten natural habitat.

Juneau's Estuary

Alaska has approximately 11 million acres of estuaries,[2] or 40 per cent of the nation's total estuarine acreage of 27 million acres. About

[2]See Donald W. Pritchard, "What is an Estuary: Physical Viewpoint," in *Estuaries*, George H. Lauff (ed.), Baltimore: Horn Shafer Company, 1967, p. 3. For another excellent account of estuaries, see I.D.F. Bird's analysis in *Coasts*, Vol. 4 of *An Introduction of Systematic Geomorphology*, Cambridge: M.I.T. Press, 1969, pp. 146-76. An estuary is a "semi-enclosed coastal body of water which has a free connection with the open sea and within which sea water is measurably diluted with fresh water derived from land drainage," according to Pritchard. The Mendenhall Wetlands meet all the requirements of this definition.

half a million Alaska acres are considered "basic fish and wildlife habitat" by USF&WS. Total acreage of the Mendenhall Wetlands is about 6,000 acres, which occupy an estuarine basin at the head of Gastineau Channel in Southeast Alaska, approximately five miles northwest of the capital city of Juneau.

In Figure 1, the view is southeast over the wetlands to the upper end of Gastineau Channel. The Mendenhall River flows across the center from left to right. A glacial stream, it has contributed much of the sediments making up the wetlands. In Figure 2 the view is up the Mendenhall River Valley to the Mendenhall Glacier, with the wetlands in the foreground. Figure 3 is a view of the Lemon Creek flats portion of the wetlands and the upper Gastineau Channel. Douglas Island is to the right, with the town of Douglas visible above the bridge.

Tidal action over the wetlands has slowed commercial and residential development. Tidal range (differences between the lowest and highest tides) is about 26.5 feet, with an average range of 14 feet. The highest tides reach to the borders of the marsh, making expensive fill necessary prior to development, which has, therefore, been restricted to the higher elevations north of the airport and on both sides of the highway at Lemon Creek. (Figure 3.) According to the U.S. Geological Survey, the Mendenhall River Valley and the Lemon Creek Delta are flood plains and "may be flooded occasionally."[3]

Two extensive man-made developments are the Juneau Municipal Airport and the navigation channel. The airport began in the 1930's as a small landing strip and runway used by Pan American Airways and was enlarged by the army in 1940-41. After World War II, the City of Juneau acquired the property and has gradually extended the

[3]United States Department of the Interior, U.S. Geological Survey, "Flood-prone Areas of Greater Juneau Borough, Alaska," Alaska District Office, 1969.

runway to its present length of 8,468 feet. Fill material used for the runway was taken from the adjacent marsh, creating the ponds along both sides of the runway.[4] (Figure 1.)

A $750,000 navigational channel was constructed by the Army Corps of Engineers in 1959-60 to link the upper Gastineau Channel with Fritz Cove and Stevens Pass. Until then, the flats could be navigated only at high tide by small craft, which could thereby avoid the trip around Douglas Island.[5] Part of the channel is visible in Figure 1 (more is visible at lower tide) between the far end of the runway and the shoreline of Douglas Island. Dredged material or "spoil" was dumped in piles approximately 1,000 yards from the channel in order to minimize resilting. These appear in the photograph as the tops of the light-colored islands strung out along the long axis of the basin.

Shortly after the project was completed, shoaling in the channel began and has continued to the present. Most of the sediment has come from Lemon, Jordan, and Fish creeks, according to Corps of Engineers' hydrologic studies. During the year following completion of the project, additional shoaling resulted from "extensive sloughing of the sideslopes" of the channel,[6] but a natural equilibrium between deposition and erosion has since been re-established in the estuary, and the "flat" is once again navigable only at high tide by small craft

[4]Erwin W. Pearson, "A Brief Survey of the Bird-Hazard-to-Aircraft Problems at the Airport in Juneau, Alaska, April 24-28, 1967." (Unpublished paper on the Wildlife Research Center, U.S. Bureau of Sport Fisheries and Wildlife, Denver, May, 1967), pp. 1-4.

[5]Testimony from Army Corps of Engineers, Meeting of January 23, 1967, Greater Juneau Borough Planning and Zoning Commission (mimeo), p. 4. Frank A. Herman, Jr., "Status Report on the Gastineau Channel Model Study." (Unpublished paper of the U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi, August, 1966), p. 3.

[6]*Ibid.*, pp. 3-4.

as it was almost 90 years ago, when S. Hall Young and John Muir were exploring Southeast Alaska. Young, a Presbyterian missionary, describes their passage:

> An interesting bit of history is to be recorded here. Pushing across the flats at the head of the bay at high tide the next morning (for the narrow, grass-covered flat between Gastineau Channel and Stevens Passage can only be crossed with canoes at flood tide), we met two old gold prospectors whom I had seen frequently at Wrangell—Joe Harris and Joe Juneau. Exchanging greetings and news, they told us they were out from Sitka on a leisurely hunting and prospecting trip. Asking us about our last camping place, Harris said to Juneau, 'Suppose we camp there and try the gravel of that creek,' "[7]

Harris and Juneau found gold, a rush followed, and Juneau was founded on the site of the strike.

Navigational channel, airport, and residential and commercial developments account for the loss of wetlands to date. Although the airport facility has destroyed salt marsh habitat, the runway ponds are used by waterfowl. Dredged material from the navigational channel has remained sparsely vegetated; an experimental re-vegetation project by the USF&WS proved inconclusive.

Gravel pits dot the wetlands and represent additional wetland loss. A sanitary fill on the Lemon Creek flats takes gravel from an adjacent pit. A sand and gravel firm excavates the Lemon Creek streambed near the Glacier Highway. A small pit is on the west bank of the Mendenhall River. The marsh at the delta of Fish Creek was once the site of another pit. Most recent is a borrow pit near the south end of the runway being used for fill for the new highway (Figure 4).

[7]S. Hall Young, *Alaska Days with John Muir*, New York: Fleming H. Revell Company, 1915, pp. 163-64.

Another use of the estuary is for garbage and sewage disposal. The Lemon Creek sanitary fill grows slowly out onto the marsh. Untreated sewage is piped directly into the marsh from many surrounding residences. Sewage from the Mendenhall Valley and airport areas is given primary treatment before being sent into the Mendenhall River.[8] Stumps, logs, lumber, and refuse left by visitors litter the wetlands.

Despite these uses, the wetlands are a scenic attraction. Many homes overlook the area and the main highway from Juneau traverses the edge of the marsh for several miles. Much of the marsh's aesthetic appeal derives from the changing landscape. Tidal action is the most obvious and alternately makes the estuary resemble a bay and an open expanse of meadow-marshland and mudflat. Salt marsh and upland vegetation—chiefly grasses and sedges—change color seasonally, a characteristic the estuary shares with the heather and moss-covered slopes above timberline on the surrounding peaks. From a viewpoint on the marsh, the setting of the capital can be fully appreciated: the estuary is the central part of an aesthetic unit composed of coastal islands and open water, marsh and tidewater, forested mountainsides, glaciers, and peaks.

Recreation is also a significant use of the resource, ADF&G estimated that 4,000 ducks and geese are taken annually by nearly 900 local hunters and that two-thirds of the sport fish caught locally originate in the streams flowing across the tidelands. Annual economic benefit resulting from recreation use of the wetlands was

[8]In March 1971, Juneau voters approved a bond issue providing 4.7 million dollars for a sewer system. The largest treatment plant for the new system would be located on the west side of the Mendenhall River between the end of the runway and the Glacier Highway, and would require six acres of wetlands, not including an improved access road. Another treatment plant at Lemon Creek would cover two acres.

put at $150,000.[9] Many of the users are teenagers and younger, according to an October 1968 poll.[10] Some of these teenage users played an important role in the discussions over the use of the wetlands.

ADF&G'S WETLANDS MANAGEMENT PROPOSAL

Reconnaissance surveys were made by the highway department for the wetlands stretch of a proposed highway between Juneau and the airport in 1965. Concerned with the effect on wetlands habitat of the highway and other proposed developments, Jim King, Waterfowl Supervisor for Alaska, USF&WS, talked informally with Dr. Robert Weeden, then Research Biologist with ADF&G, Fairbanks, and president of the Alaska Conservation Society. Following their talk in the fall of 1965, Weeden proposed a meeting between ADF&G game and waterfowl managers to discuss the future of the wetlands.

[9]Peter E.K. Shepherd, Ben L. Hilliker, Ronald J. Somerville, "Waterfowl Report," (Juneau: Alaska Department of Fish and Game, May, 1967), p. 16.

[10]Poll taken in October, 1968. The student bodies of Juneau-Douglas High School and Marie Drake Junior High were polled by members of the Wildlife Club at the high school. Of 418 high school boys polled (no figure was given on total number of males), 374 or 90 per cent "used" or "used frequently" the wetlands; 301 or 72 per cent checked hunting as one of their uses, followed by fishing (34 per cent), walking (33 per cent), and riding (32 per cent). Fifty-four per cent of the 343 high school girls polled used the wetlands, but walking led the list of uses with 38 per cent, followed by riding (19 per cent), fishing (14 per cent), other (13 per cent), and hunting (11 per cent).

Similar results were obtained from the junior high students. Out of a total population of 1,450 junior high and high school students, 1,177 were polled and 855 or 73 per cent indicated use of the wetlands. Unfortunately, the poll was not specific on the key question of how many visits constituted "use" and how many "frequent use."

Department biologists from around the state and invited USF&WS personnel in Juneau met the following February and decided to propose a plan for managing the publicly owned portion of the wetlands for waterfowl hunting and other forms of bird-oriented recreation. A subsequent memo from Weeden to the other participants explained ADF&G's initiative on behalf of the marsh:

> The Juneau marshlands have both regional and local importance. Regionally, because the area is one of the very few extensive marsh-tidelands between the Gulf of Alaska and the Frazer River Delta, the Juneau marshlands serve as an important feeding and resting place for migrant waterfowl and as a recreation area for residents of and visitors to Juneau. This recreation is based largely, but not entirely, on the waterfowl.
>
> It follows, therefore, that our goals are two-fold: to preserve the habitat for the benefit of the flyway, and to retain local recreational opportunity through preservation of the marshes, tidelands, and waterfowl.[11]

Success of their management proposal depended on a formal transfer of jurisdiction over the state-owned tidelands to ADF&G from the Division of Lands in the State's Department of Natural Resources. The biologists hoped to get federal aid for habitat improvements, and in order to qualify for that aid they had to demonstrate ownership or control of the habitat to be managed and improved for waterfowl; federal funds could not be committed if the land could later be used for other purposes. Accordingly, they decided to seek a management unit large enough to make intensive management worthwhile. Their application made to the Division of Lands later in the year for an interagency land management transfer requested jurisdiction over the publicly owned portion of the estuary, or approximately 6,000 acres of tidelands—most of the remaining undeveloped acreage in the estuarine basin.

[11] Alaska Department of Fish and Game, Mendenhall Wetlands file.

Other objectives of Weeden's memo included convincing the highway department to take a new highway route least damaging to habitat, gaining control of selected upland portions of the wetlands, obtaining public access corridors through private land and developments, and "monitoring" Corps of Engineers plans for reconstruction of the navigational channel.[12]

In the summer of 1966, ADF&G made an ecological reconnaissance of the wetlands and discussed their idea with the Department of Highways, the Division of Lands, the Federal Aviation Agency, and the City of Juneau in the fall. A report subsequently was prepared entitled "Preliminary Land Management Proposals for the Mendenhall River Wetlands."[13] It described the resource, evaluated its recreation values, noted land use conflicts, and proposed a management plan. Objectives of the plan were to disperse hunting pressure, provide more nesting habitat, "create more attractive feeding and resting areas for migrant waterfowl away from airport approach and departure zones," and protect resident sport fish stocks. Waterfowl production would be increased by constructing small impoundments and shallow ponds, and by regulating tidal flow. A system of broodponds and "some deep larger ponds as provided by planned placement of [the new highway's] borrow pits . . . " were also planned.[14]

Public Hearing on ADF&G's Proposal

Although the tidelands are state-owned, the Division of Lands referred the proposal to the Greater Juneau Borough government,

[12]*Ibid.*

[13]Peter E.K. Shepherd and Ronald J. Somerville, "Preliminary Land Management Proposal for the Mendenhall River Wetlands," Alaska Department of Fish and Game (Mimeographed), 1966.

[14]*Ibid.*, p. 29.

which is consistent with the state policy to give borough governments discretion in planning and zoning state land within the boroughs. The division told the Juneau Borough that

> . . . the Department of Natural Resources [i.e., Division of Lands] does not take a stand or make any recommendation on the interagency land management transfer until this has been committed to a public hearing. Naturally, we would go along with the recommendation of the Planning and Zoning Commission.[15]

In November 1966, the commission held the first of four meetings, three of which were public hearings, to consider the proposal.[16] The ADF&G, which outlined its proposal before the commission at the first meeting in November and thereafter did not testify, was the only agency that testified in support of the proposal. Support for ADF&G came from the Steller Society, the Territorial Sportsmen, and later from the Juneau-Douglas High School Wildlife Club. The Steller Society, at the time a local conservation group of about 50 members, was led by research biologists with the USF&WS's Auke Bay Biological Laboratory in Juneau, and its membership included ADF&G and USF&WS fish and game management biologists, several of whom participated in the discussions leading to the managment plan.[17] The Territorial Sportsmen are a group of about 400 Juneau hunters affiliated with the statewide Sportsmen's Council and the National Wildlife Federation.

Highway Department representatives presented an engineering and economic analysis of the alternate alignments across the wetlands

[15]Testimony from Division of Lands representative, Greater Juneau Borough, Mendenhall Wetlands file, p. 11.

[16]In November 1966, January 1967, and two meetings in March 1967.

[17]The Steller Society was later reorganized as the Juneau Section, Alaska Chapter of the Sierra Club.

from Vanderbilt Hill to the airport area and concluded with a strong argument for the outer, most direct route across the flats (see Map). Because ADF&G recommended the inner route in their proposal, a transfer of management authority to ADF&G probably would have complicated highway department plans to build the outer route; formal, joint consultation would probably have been necessary.

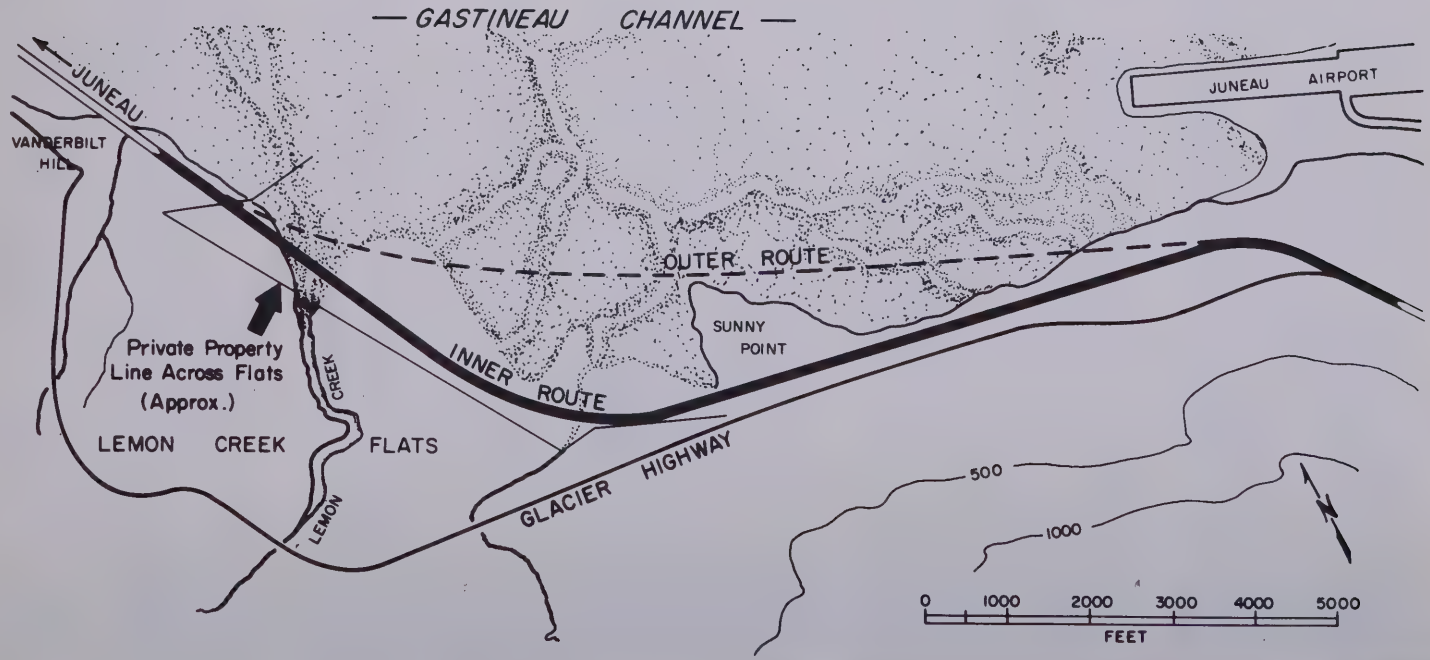
Army Corps of Engineers spokesmen described a proposed redredging of the navigational channel. Since 1965 the Corps had been studying the shoaling problem in the channel using a hydraulic model of the Gastineau Channel at their Waterways Experiment Station in Vicksburg, Mississippi. At the time of the Juneau hearings, however, the engineering and economic feasibility of redredging the channel had not been determined.

There was potential conflict between the objectives of ADF&G's management proposal and the proposed channel redredging. ADF&G management authority over the wetlands might have complicated Corps plans for the disposal of excess spoil and the location of a dike of spoil designed to prevent the silting of the channel, both of which would have an important effect on wetland habitat.

City of Juneau representatives considered the city's pending application to the Division of Lands for 1,035 acres of state-owned tideland for a new runway at the airport to be in direct conflict with ADF&G's proposal for control of areas included in that acreage. They claimed that acquisition was necessary before federal aid to airport funds could be granted.

The Planning Commission invited testimony from the Office of the Governor (apparently in an effort to make the governor's office aware that two state agencies were in disagreement over routing of a state highway across state-owned land). Dr. Robert Pavitt

Proposed Routes Across the Wetlands



represented the governor, but did not offer testimony,[18] and there is no record of a reply to a subsequent letter from the borough chairman requesting the governor's intervention.[19] Sources in the governor's office, as well as participants in the controversy, have stated that the governor's office did not take any part in it.

Upland property owners who testified opposed the provision for acquisition of selected private upland to insure access to the management unit and to complement tideland habitat, despite being assured by ADF&G spokesmen that acquisition would be only with their consent.

Juneau Chamber of Commerce spokesmen opposed the management proposal as incompatible with planned developments on the wetlands. Not only was it in conflict with the city's future airport expansion plans and the navigational channel redredging, and might possibly delay construction of the new highway, it also would have limited future residential and commercial developments on the wetlands, especially in the Lemon Creek area. The chamber argued further that there were other areas available for hunting and recreation in Southeast Alaska, including the nearby Eagle River flats. Moreover, ADF&G estimates of the annual economic benefit of hunting were probably unrealistic. In any case, concluded the chamber, some public wetland would soon be private if claims for accreted land (discussed in further detail below) were granted. Finally, air safety requirements ruled out encouraging more waterfowl in the estuary.

[18]Pavitt was then in the Office of Research and Planning and edited the ADF&G proposal. He subsequently served as planning director for the Anchorage Borough and is now director of planning and research in the Office of the Governor.

[19]Greater Juneau Borough, Mendenhall Wetlands file.

FAA spokesmen maintained that the management plan's objective of increased waterfowl in the estuary was inconsistent with air safety. Although their claim was not backed by any proved bird-to-plane hazard in the basin at that time, local airline representatives and pilots testified in support of the FAA's contention on the basis of personal experience. The ADF&G had met with FAA prior to the Planning Commission hearings, was aware of FAA's objection, and in response suggested in their management proposal that birds would be drawn away from the airport area to the Lemon Creek and Mendenhall River wetlands by constructing waterfowl improvements there. This potential use of the two areas was perhaps the primary reason for requesting the large management unit from the Division of Lands.

The ADF&G also recommended that the matter of birds in the estuary be studied jointly by ADF&G, FAA, and USF&WS. FAA personnel in Juneau also recommended, at the Planning Commission hearings, that a bird-strike study be undertaken as suggested by ADF&G. However, regional headquarters of the FAA in Anchorage declined to participate in a joint study. Following a meeting between ADF&G biologists and FAA personnel in Anchorage, the Anchorage FAA office stated its position in a letter to ADF&G, Juneau:

> We are unalterably opposed to any program that will encourage expansion of the bird problem and adversely effect the safe use of an airport.
>
> . . . . . .
>
> We do not consider the present situation to be of a magnitude as to warrant the cost of an immediate study. If you believe that a survey is indicated, we will appreciate being advised of the results.[20]

[20] ADF&G, Mendenhall Wetlands file.

Ron Somerville, Game Biologist with ADF&G in Anchorage, and co-author of the ADF&G management proposal, interpreted FAA's position:

> It was obvious that they did not intend to alter the stand taken at the public hearing [in Juneau] and they indicated that no recommendation would be made . . . for any study. It appears that they would rather do absolutely nothing.[21]

The USF&WS undertook a study of its own, when, in the spring of 1967, Erwin W. Pearson, research biologist with USF&WS, Denver, and a specialist in bird-strike problems, arrived for a brief survey of the question.[22] Although his findings were not available until after the management proposal was rejected, his observations figured prominently in the subsequent highway controversy.

Pearson's visit was timed to coincide with the spring waterfowl migration, when, as in the fall, bird numbers are greatest and the bird-strike problem presumably most serious. After observing bird numbers and concentrations for four days, he stated that, " . . . bird hazards are not unduly serious at the present time," and recommended a one-year study to serve as the "basis for proposed changes in the tideland development."[23]

Recognizing that such a study might not be conducted, Pearson made several other recommendations. One of the most important was that "if . . . any type of clean fill becomes available it should be used to fill the airport runway ponds first" in order to reduce the

[21] *Ibid.*

[22] Erwin W. Pearson, *op. cit.*

[23] *Ibid.*

hazard to planes from waterfowl flying across the runway to and from the ponds.[24] Other recommendations included recording bird-strikes, and possibly relocating the proposed runway to minimize potential bird-strikes.[25]

Pearson stressed the desirability of a joint study of the problem as recommended by ADF&G in their proposal. "I am sure no one wants to increase the present bird hazard, and this ADF&G recommendation opens the door to long-range planning studies for development of the tideland area in the best interests of all Juneau citizens."[26] Any plans designed to reduce bird hazards " . . . should be preceded by the proposed documented study of bird numbers and movements, and any land improvements to attract waterfowl should proceed slowly and cautiously to avoid increasing bird hazards."[27]

Further, he warned of the potential bird hazard if development of the wetlands forced remaining birds closer to the airport:

> There is potential bird hazard at the Juneau airport. Haphazard planning for development of the surrounding areas in the face of increased airport use could result in a dangerous situation. Experience in other areas has shown that development without extensive overall planning tends to add to and compound problems that were originally simple. There is good reason to believe that safety standards can be met without sacrificing the increasingly important waterfowl recreational values of the area. A comprehensive study of bird habits is needed. Good planning is the key to proper resolution of existing problems to the satisfaction of all.[28]

[24] *Ibid.*
[25] *Ibid.*
[26] *Ibid.*
[27] *Ibid.*
[28] *Ibid.*

Thus, while Pearson's findings supported the FAA's reluctance to allow an increase in the number of birds in the estuary, they were implicitly critical of the FAA and the City of Juneau for failure to do anything about the airport ponds or about the continuing danger of soaring gulls over the Lemon Creek sanitary fill, and of the FAA's refusal to participate in a study of the bird-strike problem.

Rejection of the Management Plan

Following the three public hearings, the Planning and Zoning Commission considered ADF&G's proposal at a regular meeting in March 1967. At that time the membership included Ray Renshaw, chief pilot for Alaska Coastal Airlines (chairman); Bruce Campbell, then consulting engineer (formerly acting commissioner, and now [1971] commissioner, Department of Highways); Jack Culbreath, U.S. Forest Service public information officer; M.S. Daugherty, vice president of a Juneau bank; Dick Forrest, executive of an architectural firm and later president of the Chamber of Commerce; Glen Prince, a land title executive; Ed Sands, an architect; and Lyman Woodman, accountant with the Department of Highways. Thus, most commission members represented the same groups that were opposed to ADF&G at the previous hearings.

The ADF&G's proposal was quickly rejected. First, a request from Walter Kirkness, then commissioner of ADF&G, to postpone a recommendation until a bird-strike survey could be undertaken was rejected. Although chairman Renshaw was inclined to grant the request, a majority of the commission felt that the proposal had received adequate study and to grant it would delay the question indefinitely. They voted unanimously to advise the Division of Lands to deny the request. Since the division had previously indicated it would accept the commission's recommendation,[29] the management proposal issue was presumably settled.

[29]Greater Juneau Borough, Mendenhall Wetlands file.

However, the Wildlife Club of Juneau-Douglas High School took the initiative with a petition to place the issue before the Borough Assembly. A similar petition was circulated by the Steller Society. The assembly accepted the students' petition and a public hearing was scheduled.

At the hearing the borough planning staff and borough attorney argued that the assembly had no jurisdiction in the matter because the Division of lands had asked the Planning Commission for a recommendation only, and that it was the division's prerogative to make a final decision on the proposed transfer of the tidelands. Members of the Wildlife Club, citing borough statutes, argued that the assembly had primary jurisdiction over the matter. They wanted the final decision made by the elected members of the assembly and not by a Planning and Zoning Commission appointed by that assembly.

After approximately two and a half hours of testimony from students and representatives of the Steller Society, Territorial Sportsmen, FAA, and Alaska Coastal Airlines (the other agencies did not testify again), a motion was made to recommit the question to the Planning and Zoning Commission for reconsideration. In making the motion, Assemblyman A.W. "Bud" Boddy, head of the Territorial Sportsmen, said the new information presented to the assembly that evening should also be made available to the Planning and Zoning Commission before the assembly took final action. A majority of his fellow assemblymen agreed, and the question was sent back to the Planning and Zoning Commission, where it was permanently buried.

Boddy's motion was, in retrospect, a tactical error, apparently made on the assumption that the Planning Commission would reconsider the plan. Although supporters of the proposal could count

on only two sure votes in the assembly, Boddy's and Mike Miller's,[30] ADF&G's supporters lost the opportunity to force the elected members of the assembly to take a stand and thereby precluded a possible compromise, since several assemblymen had indicated more flexible positions on the wetlands than had either of the main protagonists.[31]

Although their management plan was turned down, ADF&G and USF&WS alerted the community to the present and future value of the wetlands. Several months later, when controversy was renewed, their earlier effort was manifested in increased community awareness and participation.

A HIGHWAY ACROSS THE WETLANDS

In March 1969, the Department of Highways called a public hearing to consider two alternate alignments of a new highway planned to cross the wetlands. There were two important differences in this stage of the conflict. In opposing the outer route, the biologists had only the limited objective of blocking a specific route, rather than management of the estuary. The outcome had no effect on the control of the wetlands; that control remained essentially with the Borough Planning and Zoning Commission. Secondly, air safety requirements were consistent with the ADF&G-USF&WS position.

[30]Interview with Boddy and Miller, then a publicist with the State Division of Travel and now a state representative from Juneau, September-October 1968.

[31]Interviews, September-October 1968.

Juneau's main road, the Glacier Highway, extends from the city limits to a point just north of the Eagle River flats on Lynn Canal, a total distance of about 35 miles, and connects downtown Juneau with Auke Bay, Mendenhall Valley residential areas, and the airport. From Juneau, the highway follows the edge of Gastineau Channel to Vanderbilt Hill, where it swings inland along the edge of the marsh to the airport area. Another stretch of about one mile crosses the wetlands again from the Mendenhall River to the Mendenhall Peninsula, providing a view south across the Mendenhall River flats.

The new highway from downtown Juneau to the Mendenhall River in the airport area will be a four-lane, divided, limited-access road. Roadbed width will be 102 feet, with a median strip of 30 feet. From Juneau to Vanderbilt Hill the distance covered is approximately three and a half miles, at an estimated construction cost of $4.75 million. From Vanderbilt Hill to the airport the new road will be approximately three and a quarter miles long and cost about $3.7 million.[32]

The highway department cited figures on accidents on the existing Glacier Highway from Juneau city limits to the airport (there was no breakdown for the disputed Vanderbilt Hill to the airport stretch) as the major justification for building a new highway. From a total of 30 in 1961, the number increased steadily to 80 in 1966, 84 in 1967, and dropped slightly to 75 in 1968. Fatal accidents per hundred-million vehicle miles were slightly over double the statewide average. In 1967, injuries occurred in 73 of the 84 accidents, and fatalities in three. The existing road is narrow, has two-foot shoulders, many curves, and numerous private driveways and other exits. Commuter traffic is heavy morning and evening, and the

[32]Press release, Department of Highways, September 1968.

slow-moving lines of traffic encourage daring passing attempts; "fifty-eight per cent of the existing highway has insufficient sight distance to execute a passing maneuver," according to the department's analysis. The department concluded,[33] that a new highway was essential in order to safely accommodate a projected increase in traffic from 3,850 vehicles per day in 1968 to 11,400 per day in 1988.

Alternate Alignments Across the Wetlands

In their initial (1956) reconnaissance surveys of the Vanderbilt Hill to the airport stretch of the new road, the highway engineers considered at least four routes. By 1967, the choice had narrowed to two routes. (See Map.) The outer involved fewer complications because it crossed publicly owned marshland for almost the entire distance to the airport area, thereby avoiding right-of-way acquisition costs and condemnation proceedings. Roadbed fill could be taken at no cost from the adjacent flats. No private uses would be disturbed, nor would frontage roads be necessary (as would be necessary with the inner route) through the base of Sunny Point and out to the airport area. The biologists preferred the inner. In their judgment, habitat loss would be held to a minimum.

Proponents of both routes considered the roadbed of the new highway to be a probable barrier to developments moving out over the marshland from the Glacier Highway. The highway engineers had pointed out to the borough planning staff the advantage of the outer route in maximizing the amount of wetland shoreward between the new roadbed and the existing highway available for future reclamation, perhaps possibly by using excess spoil from the

[33]"Location Corridor Public Hearing, Project f-095-8(3) Vanderbilt Hill-Juneau Airport," (Mimeo), Juneau, Alaska Department of Highways, March 25, 1969, pp. 1-2.

redredged channel if the highway and channel projects could be coordinated.[34] Consistent with its goal to preserve as much wildlife habitat as possible, ADF&G preferred the inner route, which would probably confine development to the privately owned wetlands.

Background of the Public Hearing on the New Highway

In the fall of 1968, about six months before the hearing, ADF&G and USF&WS requested meetings with the highway department to discuss planning the new highway. The request was based on a BPR instructional memorandum of 1963, which required state highway departments to consult state fish and game departments when fish and game values would be lost by construction of federal-aid highways,[35] and provided for the use of federal highway-construction funds to repair or compensate for unavoidable damage to fish and wildlife habitat. If differences could not be resolved on the state level, the state fish and game department could ask USF&WS to intercede on its behalf with BPR, and if disagreement between these federal agencies persisted on the regional level, the matter could be referred to the Washington level. The weakness in this procedure was that appeal was to BPR, which is normally allied with state highway departments. In Juneau, for example, the bureau had informally indicated its approval of the proposed outer route.[36]

[34]Interview, Schuyler Stevens, District Pre-Construction Engineer, Department of Highways, September 1968.

[35]Instructional Memorandum 21-5-63, U.S. Bureau of Public Roads; USF&WS, Mendenhall Wetlands file, Juneau.

[36]Interview with Harold Tipton, Regional Engineer, Bureau of Public Roads, Juneau, September 1968.

For the meetings, ADF&G and USF&WS prepared a "position paper" that analyzed the impact of both routes on the wetland habitat and outlined desired enhancement and repair measures.[37] Approximately 50 acres would be destroyed by the roadbed, according to the paper, and a possible saline imbalance could cause ecological change, which in turn would affect waterfowl use patterns. Hunting could not safely be permitted in the area shoreward of either route or closer than one-quarter mile seaward of either route, which meant that hunting would be reduced by 600 acres with the outer route, and by about 300 acres with the inner route. Compensatory measures requested included acquisition and dedication of selected state and private marshland for waterfowl-based recreation. Habitat improvements desired included construction of ponds and dikes and the careful design and placement of highway borrow pits. Bridges and culverts to insure tidal passage, stockpiling of topsoil for repair of disturbed habitat, and roadside parking areas were also requested. More habitat measures and land acquisition were needed for the outer than for the inner route, since more recreation acreage would be lost with the outer route.

An informal agreement was made by which the biologists would not oppose either route at the hearings, in return for which the engineers would include the requested measures in their design. Since the engineers clearly preferred the outer route,[38] this amounted to ADF&G-USF&WS acquiescence in the outer route in return for compensatory measures.

[37] USF&WS, Mendenhall Wetlands file, Unpublished position paper, Juneau.

[38] Interviews with spokesmen for the Department of Highways, ADF&G and USF&WS, September-October 1968.

However, the agreement broke down before the hearing. Ben Hilliker, then head of habitats development for ADF&G (and now deputy commissioner), learned that mitigation of habitat loss was not possible in a similar case in Montana. He checked with Harold Tipton, regional engineer for BPR in Juneau, who verified that federal funds were not available under the 1968 federal-aid Highway Act because the new road crossed no acreage officially designated for park, recreation, wildlife, or refuge purposes of national, state, or local significance.

This discovery meant that it no longer made sense for ADF&G to agree to the outer route; in the absence of compensatory measures for *either* route, ADF&G preferred the inner for reasons set forth in their position paper. Accordingly, ADF&G and USF&WS withdrew from the agreement, apparently neglecting to officially inform the highway department, and used the two months before the hearing to mobilize support for the inner route.

Summary of the Hearing Record

Testimony centered on a comparative analysis of the routes prepared by the highway department.[39] Total construction costs of the outer route were slightly less, mainly because of lower right-of-way costs (see Table A).[40] Lower right-of-way costs resulted from routing across more publicly owned wetlands, treated as cost-free.

The chief advantage of the outer route lay in greater savings in road-user costs, however. Because of its shorter length—by .174

[39]"Location Corridor Public Hearing, Project f-095-8(3) Vanderbilt Hill-Juneau Airport," *op. cit.*

[40]*Ibid.*, p. 3.

TABLE A.

Right-of-Way and Construction Costs Of the Inner and Outer Routes

	Inner Route	Outer Route
R/W—Private Land	14.3 acres	3.7 acres
R/W—Public Land	57.8 acres	64.2 acres
Wetlands under roadway prism	22.8 acres	43.6 acres
Right-of-way Costs		
Land	$ 155,350	$ 40,740
Improvements	75,000	0
TOTAL	$ 230,350	$ 40,740
Utilities Costs	20,000	15,000
Construction Costs	3,503,752	3,657,300
TOTAL COSTS	$3,754,102	$3,713,040

SOURCE: Alaska Department of Highways.

miles—the outer route was calculated to yield a $67,797 annual saving over the inner, or $1,355,940 over 20 years. The $67,797 was calculated as follows:

Annual road user benefit = cost per vehicle mile x difference in length of two routes x average number of vehicles per day over 20 years x 365 (number of days in year)

or

Annual road user benefit = $0.14 x 174 x 7,525 x 365
= $67,797

District Highway Engineer Warren Wild, who chaired the hearing, reviewed his department's analysis. The safety of both routes would be "wholly adequate." He noted, however, some slight difference in winter ice conditions, with the shaded portion of the inner through Sunny Point probably presenting an ice problem. An additional curve and intersection on the inner might also make it less safe than the outer. Several "intangibles that cannot be assigned a specific monetary value" were also recognized, such as the new highway's impact on land use plans, loss of view to inland property owners, impact on hunting and other recreation, and the effect on aircraft safety through a possible shift in waterfowl flight patterns. Wild said the hearing was being held to receive testimony on these and other questions that might be raised.[41]

[41]"Public Hearing," Project No. f-095-08 (3) Vanderbilt Hill-Smith Dairy (Juneau: Alaska Department of Highways) March 25, 1969, pp. 1-10.

Support for the Outer Route

Agency representatives and citizens testified or had their statements read into the record; additional statements were received for the record after the hearing. Favoring the outer route were Douglas Stark, a resident of Vanderbilt Hill; Dick Forrest, former president of the Juneau Chamber of Commerce; Myrton Charney, chairman (chief administrative officer) of the Greater Juneau Borough; George Davidson, chairman of the Streets and Highways Committee, Juneau Chamber of Commerce; and Joseph Koslovski, planning director of the Greater Juneau Borough and representing the Planning and Zoning Commission.

Stark pointed out that time and money would be saved and the probable commercial, residential, and industrial development of the land between the outer route and the existing highway would be of "positive value."[42]

Forrest disagreed with those who felt that the outer route would be detrimental to the scenic and wildlife values of the area, Instead, he considered the problem to be " . . . that so much of our land is held in a rather preserved status and that in the area of our community of Juneau there should be little rational objections to developing the immediate Juneau area for people."[43]

Borough Chairman Charney recalled occasions in 1964 and 1968 when the Borough Assembly had approved the outer route as part of its approval of the borough's preliminary comprehensive plans, as well as approval by a recent conference of Alaskan boroughs. In addition, he said the outer route would remove 10.6 acres less from the tax rolls than would the inner.[44]

[42] *Ibid.*, p. 10.

[43] *Ibid.*, p. 14.

[44] *Ibid.*, pp. 15, 17.

Borough Planning Director Koslovski gave reasons for the Planning and Zoning Commission's long-standing preference for the outer route. Historically Juneau had developed as a "strip city," moving out along the existing Glacier Highway to the Mendenhall Valley and Auke Bay areas; the outer route would help prevent further undesirable strip development. Controlled access points would provide protected areas for neighborhood growth, whereas the inner would promote further strip development as pressure mounted for commercial and industrial use of the shoreward land. Koslovski stressed a projected growth in borough population of 29,000 to 35,000 by 1980, more than 40 per cent of whom were expected to live west of Vanderbilt Hill and use the new highway regularly. More of the wetlands could be reclaimed with the outer route, which he also argued was aesthetically superior as it "puts the viewer right in the middle of the view" and gives him a better picture of the Chilkat Mountains. The outer is "more likely to be beyond the accreted land areas which could in the long run be claimed by the upland owners and developed," and, finally, there would be less traffic noise, according to the planning director.[45]

The Chamber of Commerce Streets and Highways Committee unanimously recommended the outer route. After noting the unusual brevity of his statement, chairman of the committee George Davidson said "we [the Streets and Highway Committee] discussed this in relation to safety features and the general overall development of the area and the highway committee and . . . the Chamber of Commerce wishes to go on record endorsing the outer route."[46]

[45] *Ibid.*, p. 17-22.

[46] *Ibid.*, p. 15.

Opposition to the Outer Route

Testomony against the outer route was well-organized and extensive.[47] The two most important statements came from Jim King, waterfowl supervisor for Alaska, USF&WS, and Joe Greenough, research biologist for the Auke Bay Biological Laboratory, USF&WS, testifying for the Juneau group of the Sierra Club. King used air safety as a strong argument for the inner route and Greenough questioned the premises of the highway department's engineering and economic analysis.

According to King, USF&WS's interest and responsibility were fourfold: "a primary interest in aircraft safety regarding minimizing and eliminating aircraft-bird strikes;" an interest in providing and preserving bird-oriented recreation; the upholding of management and protection responsibilities under international bird migratory treaties and acts of Congress; and a general interest in the protection and enhancement of the human environment of the United States.

King reviewed Pearson's 1967 survey of the bird-strike problem at the Juneau airport, maintaining that in order to avoid creating new attractions for waterfowl around the airport, borrow pits should be as small and as far away from the runway as possible. Since elevation is higher along the border of the marsh than it is farther out on the flats, the roadbed of the inner route would require less fill near the

[47]The number of groups and persons present to argue for the inner route reflected the effort by the state and federal biologists to mobilize all possible support after realizing that compensation for damage by either route was unlikely. Joining ADF&G-USF&WS in opposing the outer route were the Alaska Conservation Society, Territorial Sportsmen of Juneau, Alaska Sportsmen's Council, Juneau Section of the Sierra Club (The Steller Society was reorganized as such in the fall of 1968), Juneau Borough Parks and Recreation Committee, Auke Bay and Juneau Garden Clubs, and many private citizens, including several Juneau-Douglas High School students and several members of the Sierra Club testifying as private citizens.

airport, thereby allowing for smaller borrow pits further from the runway.

> With either routing aircraft safety dictates that fill materials should not be dug anywhere near the runway, but should be taken as close to Vanderbilt Hill or as far up Lemon Creek Valley as feasible. . . . The inner route is preferable from the point of view of airport safety, since, unlike the outer route, it would not cut off a triangular area between Sunny Point and the airport that might serve as a bird sanctuary.[48]

Moreover, the alignment of the highway should not inadvertently create bird sanctuaries or resting areas or " . . . unnecessarily contribute to the trend of forcing water and marsh birds towards the vicinity of the airport," hunter movements should not be restricted in the interest of bird dispersal (they would be less restricted with the inner route), and parking areas were recommended near the runway.

Finally, King pointed out that the total wetland acreage loss would be less if the inner route were chosen and there would be less damage to bird-oriented recreation, less habitat loss, and more quality environment preserved.

Greenough, whose research specialty is biometrics (quantitative biology), questioned the validity of the assumptions made by the highway department in its economic-engineering analysis. The most important were those supporting the department's calculation of greater road-user savings along the outer route. Wild had offered this as the chief advantage of selecting that route. Using manuals on operating costs supplied to him by the highway department, Greenough arrived at an annual savings of $39,274 per year in

[48]"Public Hearing," Project No. f-095-08(3) Vanderbilt Hill-Smith Dairy, *op. cit.* pp. 23-32.

contrast to the department's figure of $67,797 per year. Basic to the department's calculation was the fact that it took 12.5 seconds less to travel the outer route. Greenough graphed the functional relationship between the value per minute saved and the number of minutes saved and concluded that the value per minute saved for the 12.5 seconds was "insignificant."[49] By dropping the time factor from the department's calculation and using department figures on current operating costs, Greenough arrived at an 8.11 cents per mile figure and the $39,274 annual savings.[50]

Greenough questioned the highway department's premise that the publicly owned wetlands could be valued at zero in calculating comparative construction costs. If privately owned wetland was selling in some cases for as much as $1,000 an acre, then public wetland should be assigned a monetary value, he said, as should the hunting loss resulting from the construction of the outer route. He also felt the engineers had not included enough culverts to insure adequate tidal flow.[51]

[49] *Ibid.*, pp. 57-77.

[50] There was an apparent lack of consistency on the part of the highway department itself on the question of cost figures and population projections. In 1967, in their unpublished analysis of the routes prepared for the Planning Commission hearings on ADF&G's management plan, the engineers used a cost per mile figure of 9.5 cents, an average daily traffic volume projected over 20 years of 6,464 vehicles, and a difference in road lengths between the inner and outer of 0.19 miles. When run through the formula cited above, the resulting savings in road user costs over 20 years was $860,000, or $43,000 annually, as compared with $1,355,940, or $67,797 annually, in the department's 1969 analysis for public consumption. In short, the outer route in 1969 saved a third again as much for its users as it did in 1967, according to the highway department. Source: "Alternate Route Study, Vanderbilt Hill to Airport Road," unpublished report, Alaska Department of Highways, March 1, 1967, pp. 1-10. Greater Juneau Borough, Mendenhall Wetlands file.

[51] *Ibid.*, pp. 64-68.

Greenough also related construction costs to safety. Wetland borrow pits were the planned source of roadbed fill. The highway department assumed that wetland fill could be used for the roadbed for either route (641,756 cubic yards were needed for the outer and 455,673 for the inner), but USF&WS testified that for greater air safety, borrow pits should be held to a minimum and preferably located off the wetlands. If the pits were so located, Greenough concluded, costs of hauling the fill to the roadbeds would raise the construction cost of the outer more than the inner, because the outer was farther from non-wetland sources of borrow.[52]

Finally, Greenough questioned Borough Planner Koslovski's assumption that the public marshland between the outer route and the private marshland would act as a buffer zone and thus prevent undesirable strip development, citing that the comprehensive plan of the borough envisioned commercial, light industrial, and residential development shoreward from the outer route. (He noted that a preliminary version of the plan had included a golf course as a possible development for the Lemon Creek flats, perhaps using excess spoil from the redredged navigational channel[53] to reclaim the flats.) Interviews with Chamber of Commerce spokesmen, highway department engineers, borough planning staff members, and upland property owners supported Greenough's argument that the wetland behind the outer route was coveted for development purposes. They argued that reclaimed marshland was needed for the expansion of Juneau, whereas supporters of the inner route claimed that adequate land was available, especially in the Mendenhall River Valley.[54]

[52] *Ibid.*, pp. 68-70.

[53] *Ibid.*, pp. 73-75.

[54] Interviews, September-October 1969.

A Statement From the FAA

In submitting a statement for the record, FAA said that "preliminary studies of the proposed highway improvement between Vanderbilt Hill and the Juneau Municipal Airport have convinced us that the borrow pits and ponds, which are to be developed in connection with the new highway, would constitute a major hazard to aircraft arriving at, or departing from, the Juneau Municipal Airport."[55] Although the borrow pits and ponds would not violate any existing federal regulations governing structures near the airport, " . . . it is reasonable to expect that they will bring about substantial increase in the bird and waterfowl population in the Mendenhall Wetlands area near the airport."[56] That statement cited an October 1968 bird-plane strike at the Juneau airport during the take-off of an Alaska Airlines Boeing 727 jet. Damage to one engine and loss of revenue totaled $100,000; there were no injuries. Figures on the increasing use of jet aircraft were included to point up the " . . . increased hazard presented by birds striking such high-performance aircraft or by birds being ingested into the engines of these aircraft . . . "[57] A report for FAA by the Bureau of Sports Fisheries and Wildlife (USF&WS) on "Control of Birds on and Around Airports" was also included.

Although the statement corroborated King's and Greenough's analyses relating air safety to the new highway, it had no political impact at the hearing. Unlike other statements submitted for the record and read to the audience, the FAA's was not read, presumably because it had not arrived prior to the hearing.[58]

[55]"Public Hearing," Project No. f-095-08(3) Vanderbilt Hill-Smith Dairy, *op. cit.* appendix.

[56]*Ibid.*

[57]*Ibid.*

[58]As reprinted in the appendix to the hearing record, FAA's letter carried, curiously, no date.

Accreted Lands

In 1968-69, the question of ownership of accreted land[59] on the flats was still open. Upland owners, the borough planning staff, and the Division of Lands thought that accreted land would go to the upland owners. The highway department was seeking a ruling on accretion from the state attorney general's office. Significant accretion, if it accrued to private owners, could raise right-of-way acquisition costs, which is probably a key reason the highway department favored the outer route; the outer, being farther seaward, crossed less accreted acreage than the inner.

Thus, in addition to testimony for and against the outer route, the question of ultimate ownership of the public wetland was raised, regardless of which route crossed it. Dr. Fred Honsinger, partner in a firm[60] that owned most of the uplands bordering the Glacier Highway between Sunny Point and the airport area, wrote that the right-of-way and construction data presented by the highway department at the public hearing " . . . would indicate by the acreage [totals] that present accretions had not been taken into account."[61] In other words, Honsinger claimed to own the land the highway department proposed to cross.

[59]Accretion results when land is raised above the mean high water line (technically the mean higher high water line), by natural causes such as earthquakes, sand deposition by long-shore ocean currents, and stream-borne sediments. On the Mendenhall Wetlands, most of the accretion is apparently the result of stream deposition; the mean high water line, which divides the state-owned tidelands from the privately owned uplands, has been slowly shifting seaward.

[60]Mendenhall Dairy Company, one of the old homestead dairies.

[61]"Public Hearing," Project No. f-095-08(3) Vanderbilt Hill-Smith Dairy, *op. cit.* appendix.

Selection of the Inner Route

In June 1969, then Commissioner of Highways Cosby Steen announced the selection of the inner route. In an interview, Steen said the inner was chosen because testimony for it substantially outweighed that for the outer. He said the difference in cost of the two routes was not significant, and therefore the weight of the testimony determined his choice.[62]

The highway department had been offended by Greenough's attacks on the department's economic-engineering analysis. District Pre-Construction Engineer Schuyler Stevens said that he discounted it completely and felt that questioning the professional competence and authority of his department by a man who was not an engineer was an affront.[63]

There was another factor that may have influenced the highway department's decision. Both the engineers and the biologists suspected that the governor's office had been discretely viewing the events of the later stages of the controversy.[64] Hence, the engineers may have concluded that to have selected the outer route despite preponderant testimony against it was not justifiable.

[62]Telephone interview, July 1969.

[63]Interview, June 1969. In a separate interview that month, Greenough said that Stevens threatened to sue the Juneau section of the Sierra Club at the hearing.

[64]Interview, ADF&G, Highway Department, July 1969.

Design Hearing

In August 1970, a public hearing was held in Juneau on the design features of the inner route, as required under federal law. Prior to the hearing, the highway department met with representatives of the Army Corps of Engineers, Juneau group of the Sierra Club, and the borough. The ADF&G and USF&WS were also consulted. These groups, with the exception of ADF&G, testified at the design hearing,[65] which was held in the ADF&G auditorium. The FAA did not attend, despite the fact that the inner route passes directly under a main departure path over the Lemon Creek flats, and that the FAA, in a statement for the location hearing in 1969, commented on the potential hazard from additional borrow pits on the wetlands.

Highway department spokesmen described the construction of the new road, including access roads, bridging and culverting, and right-of-way procedure. A freshwater lake would be created between the new highway and the present highway from Vanderbilt Hill to Salmon Creek, using water from Salmon Creek. A 90-acre borrow pit would be located in the Lemon Creek area seaward of the highway on intertidal mudflats, and hence away from the grassy habitat areas closer inshore. It could be built to provide a staging area for migrating salmon, as suggested by ADF&G and USF&WS.

Corps of Engineers representatives described their proposed navigational channel project and said it would be economically justifiable if dredged material could be used for the planned highway and for proposed runway expansion.[66]

[65]Design Public Hearing, f-095-8(3) Vanderbilt Hill to Smith Dairy, August 20, 1970.

[66]In terms of habitat protection, such coordination is desirable. Spoil in excess of the amount used for the Corps' dike parallel to the channel would otherwise likely be deposited on the flats, as happened when the Corps just dredged the channel.

Representatives of the Juneau Yacht Club, Territorial Sportsmen, and Chamber of Commerce testified in favor of redredging the channel as part of the highway project.[67]

Summary and Conclusions

Initial stages of the controversy were marked by an absence of coordination and planning among the state, federal, and local agencies involved. This lack occurred, ironically, in Juneau, headquarters for most of these agencies, and was most apparent on the state level. When ADF&G proposed a management plan for the wetlands, the lack of a formal mechanism for coordinating and planning among the agencies involved resulted in the decision being left to the local level of government dominated by the Juneau businessmen's interests. No attempt was made by the Division of Lands to evaluate ADF&G's proposal. Instead the division stepped aside because, as one staff member put it, it was unwilling "to stick its neck out," or, in other words, to risk the wrath of the Juneau Chamber of Commerce.[68]

Nor, more importantly, did the governor's office choose to arbitrate the dispute over the management plan, despite the fact that

[67] As of May 1971, the highway department planned to test dredge in the Vanderbilt Hill area. If tests demonstrate that channel deposits are suitable for roadbed purposes, the department intends to dredge part of the channel in consultation with the Corps. Dredged material would be stockpiled on the proposed Lemon Creek borrow pit area. If the test dredging shows negative results, excavation of the borrow pit would be undertaken. Source: Interview, Schuyler Stevens, Department of Highways, Juneau, April 1971.

A large borrow has already been constructed on what apparently is accreted Mendenhall Dairy land near the airport (Figure 4). This pit was not discussed at the design hearing.

[68] Interview, Division of Lands, September 1968.

it was informed of a conflict involving three key state agencies—lands, highways, and fish and game, and the wetlands were an integral part of the natural setting of the state's capital, which remains one of the most scenic in the nation.

Later, the argument over the alternate routes was again characterized by the dominance of local politics. In the early stages of its planning of the new highway, the highway department convinced the Chamber of Commerce, the borough administration, and private property owners of the advantage of the outer route, and used an unconvincing economic-engineering analysis to support it. The ADF&G and USF&WS were obliged to initiate consultation with the highway department as the final decision on alternate routes approached. Although a tentative agreement was reached, it gave way to a successful political effort by the biologists after they found their interests could not be adequately fulfilled.

Lack of coordination also occurred on the federal level, where USF&WS in the Interior Department differed with FAA and BPR in the Department of Transportation. Between the latter two there also was a conflict of interest, with FAA at one point questioning a highway backed by BPR on the grounds that the project design involved potential risks to air safety.

In the latter stage of the controversy, coordination did take place between the major contenders, as indicated by the harmony expressed at the 1970 design hearings. Had this consultation taken place in the earlier stages of the controversy, some of the earlier bitterness and mutual suspicion might have been avoided. More importantly, the focus of the controversy, Juneau's wetlands, might have received better treatment. In the continued absence of a formal mechanism for planning and coordination, the future of the wetlands remains uncertain, with progressive, essentially unplanned development the norm.

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